MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2022/2023 (TERM ID 2210)

UAL 2612 – ADMINISTRATIVE LAW

(All Sections / Groups)

11th February 2023
Reading Time: 9.00 a.m. – 9.15 a.m.
(15 Minutes)
Answering Time: 9.15 a.m. – 12.15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes ONLY in their question paper. Students then have the remaining **THREE HOURS** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 Questions only.

3. Answer **ONE** question in **PART A** and **ALL** questions in **PART B**. All questions carry equal marks and the distribution of the marks for each question is given.

4. Students are only allowed to bring in CLEAN AND ORIGINAL COPY of the following statutes into the exam venue :
   i. Rules of Court 2012
   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

PART A: ANSWER ONE (1) QUESTION ONLY

QUESTION 1

Ramen is of the view that the means of invalidating decisions made by public bodies under torts are lacking in Malaysia. You are required to change his standing by referring to relevant cases and authorities.

(Total: 25 marks)

QUESTION 2

"in practice, this permits the courts to examine such decisions not only for process, but for substance." - R. Rama Chandran v Industrial Court [1997] 1 MLJ

Discuss the nature of judicial review and to what extent do you agree with the above statement. Support your answer with relevant authorities.

(Total: 25 marks)

PART B: ANSWER ALL QUESTIONS

QUESTION 3

Dr. Dan was the Chief Medical Officer and person-in-charge of a public hospital where Dr. Yaya was one of the doctors. In order to improve the medical standards in the hospital, Dr. Dan circulated to doctors a case summary of Lala, a comatose patient with unusual morbidity and to do a case study. After the case study was done, Lala woke up from the coma and strongly believed that the disclosure of her case had breached patient-doctor confidentiality since prior consent of the patient had not been obtained. Dr. Yaya also refused to participate in the activity as she believes that it is unethical even though Dr. Dan emphasised that this is a special case as they were unable to trace Lala's relatives and there is an urgent need to study it to avoid future cases.

Dr. Yaya was later received a show cause letter from the disciplinary committee of the said hospital, requesting for a written explanation of her refusal to participate in the said case study. However, she refused to reply as she insists to give her reasons orally. Upon her refusal, the disciplinary committee decided that Dr. Yaya is guilty for "disobeying superior order" and was sentenced to be transferred to a remote hospital.

Apply the relevant laws to the determine the rights of Lala and Dr. Yaya.

(Total: 25 marks)

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QUESTION 4

In January 2022, the nation was stunned by the shocking discovery of death camps in Rompin, Pahang. Those found at the death camps were believed to be the victims of human trafficking. The matter attracted the National Human Rights Society known as HAKAM which then filed a memorandum to the Human Rights Commission (SUHAKAM) for a public inquiry to investigate the matter. SUHAKAM managed to gather a witness, Mr. Raj one of the caretakers of the death camps. However, Mr. Raj refused to give any statements at all. He contended that a public inquiry is different from court proceedings which do not require any witness statements. Meanwhile, Alex, one of the survivors of human trafficking is planning to sue the human traffickers, who were believed to be responsible for the death camps. Nona, a young human activist became interested in the matter and came to you, a prominent lawyer to assess the following matters;

a) Whether SUHAKAM has the power to investigate claims in relation to human trafficking.

(5 marks)

b) Whether SUHAKAM may compel to call Mr. Raj as a witness in a public inquiry.

(5 marks)

c) Whether it is mandatory for SUHAKAM to hold a public inquiry especially if the above matter is a national headline.

(10 marks)

d) Whether a public inquiry may proceed if Alex filed a court proceeding on the above matter.

(5 marks)

(Total: 25 marks)

QUESTION 5

Danny was under an employment with the Immigration Department of Malaysia (IDM) as a general worker. IDM issued a letter to Danny informing him of his upcoming retirement on the date when he attains the age of 55 years, but no gratuity (monetary payment paid to an employee at the end of a period of employment) will be given due to his bad records in the department.

Dissatisfied with the decision given, Danny appeared at the Director General (DG)'s office for an appeal. He clarified that during the past disciplinary proceeding, the matter was adjourned 3 times as Danny was hospitalized due to an accident which he obtained a medical certificate as proof but the disciplinary committee still rejected his reason and claimed that he deliberately refused to attend the proceeding. Out of anger, Danny met with one of the politicians in his area to voice his problem, which the latter agreed to look into the matter.

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The said politician confronted the head of the disciplinary committee head-on which leads to a fist fight. He was given the verdict a month later. Upon his justification, DG still rejected the request and proceeded with the decision given to him.

Apply the relevant laws to the determine the rights of Danny.

(Total: 25 marks)

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